

Remarks

Reconsideration of the subject application is requested in view of the foregoing amendments and the following remarks.

Applicants presume that the Preliminary Amendment of June 13, 2001, has been entered.

The Office action did not acknowledge the claimed priority of this application under 35 U.S.C. §119 to several corresponding Japan patent applications. Confirmation and acknowledgement is requested. In this regard, the examiner is reminded that the instant application is a divisional application.

The Office action provided no indication that Applicants' IDS of August 15, 2001, and IDS of August 6, 2003, were received or considered. Applicants request that this question be resolved.

Applicants appreciate the search performed by the examiner in the course of examining this application.

Claims 10 and 12-26 are pending. In this paper, claims 10 and 23-26 are unchanged, claim 12 is canceled without prejudice, and claims 13-22 are amended to change their dependency from claim 12 to claim 23.

Claims 10 and 12-26 stand rejected for alleged obviousness from a combination of Lustig and Tang. This rejection is moot with respect to independent claim 12, which has been canceled, and is traversed with respect to claims 10 and 13-26.

Claim 10 requires, *inter alia*:

- (d) calculating a cross-correlation function of the spectral-characteristic signal with a predetermined reference spectral-characteristic signal, the cross-correlation function exhibiting a change with a corresponding change in the thickness of the thin-film layer; and
- (e) from the cross-correlation function, determining the process endpoint.

Despite the contentions on page 2 of the Office action, Lustig provides no teaching or suggestion of either of these steps (d) and (e). (It readily can be seen that the cited text at col. 12, lines 28-44, of Lustig certainly does not provide any such teaching or suggestion.) Also, there is no teaching or suggestion in Tang of fulfilling these deficiencies in Lustig. Therefore, the

rejection of independent claim 10 is unfounded and should be withdrawn. Action to such end is requested.

Independent claim 23 requires, *inter alia*:

- (b) removing all orders of diffracted light from the signal light except a zeroth order of diffracted light;
- (c) producing a signal waveform from the zeroth-order signal light;
- (d) calculating a value of a parameter of the signal waveform; and
- (e) from the value obtained in step (d), calculating a thickness of the thin-film layer.

Contrary to the contention in the middle of page 4 of the Office action, Lustig provides no teaching or suggestion of steps (b) and (c), above, and hence provides no teaching or suggestion of steps (d) and (e). (It readily can be ascertained that the cited text at col. 12, lines 28-44, of Lustig certainly does not provide any such teaching or suggestion.) Also, there is no teaching or suggestion in Tang of fulfilling these deficiencies in Lustig. Therefore, the rejection of independent claim 23 is unfounded and should be withdrawn. Action to such end is requested.

In view of the shortcomings of Lustig and Tang with respect to claim 23, the rejection of claims 24-26 cannot stand. Withdrawal of these rejections is proper and hereby requested. Furthermore, with respect to claim 24, the citation in the Office action to col. 12, lines 3-10, of Lustig does not teach or suggest what the Office action contends it does (see near bottom of page 4 of the Office action). With respect to claim 25, the citation in the Office action to col. 7, lines 14-25, of Lustig does not teach or suggest what the Office action contends it does (see bottom of page 4 of the Office action). With respect to claim 26, the citation in the Office action to col. 12, lines 11-17, of Lustig does not teach or suggest what the Office action contends it does (see top of page 5 of the Office action). Tang is not understood to cure these and other deficiencies of Lustig (Applicants agree with the admission in the Office action that "Lustig does not teach all the limitations of the claims.") Therefore, the rejections of claims 24-26 for alleged obviousness from Lustig and Tang is unfounded and should be withdrawn. Action to such end is requested.

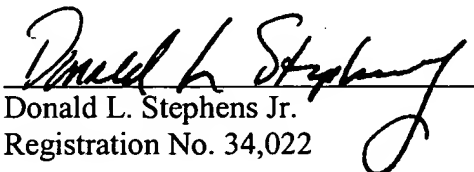
Claims 13-22 now all depend from claim 23, so the comments on pages 5-6 of the Office action are moot.

All the now-pending claims are in condition for allowance, and early action to such end is requested.

Applicants have a right to an interview at this stage of prosecution. If any issues remain unresolved after consideration of the contents of this paper, the examiner is requested to contact the undersigned to schedule a telephonic interview. Any inaction by the examiner to make such contact, followed by issuance of a final action, will be regarded as an acquiescence by the examiner to grant an interview as a matter of right after the final action.

Respectfully submitted,

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